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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 60th MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Monday, 7 March 1994, at 7 p.m.

Chairman: Mr. ENDO (Japan)

later: Mr. URRUTIA (Peru)

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* The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.60/Add.1.

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The meeting was called to order at 7.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 7, Corr.1 and Add.1-2, 8, 46-61, 97, 102-104, 110, 115, 119, 120, 122 and 123; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40, and 42-44; A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1, and 601)

1. Mr. HALINEN (Finland) said that the role of special rapporteurs, thematic rapporteurs and advisory services in the human rights mechanism was that of a doctor, not that of a judge. The mechanism must be impartial and objective, and all parties concerned, including Governments, must cooperate fully with it. The establishment of the post of High Commissioner for Human Rights, to initiate dialogue with Governments on their human rights situations, was a concrete step towards that strengthening of the mechanism which his Government had consistently requested over the years.

2. The World Conference on Human Rights had reaffirmed that the consideration of human rights in various countries was the legitimate concern of the international community. Against that background, Finland wished to draw attention to the human rights situation in certain countries. It was deeply concerned at the fact that the human rights and humanitarian situation in the territory of the former Yugoslavia had not improved, and strongly supported the invaluable work done by the Special Rapporteur, Mr. Tadeusz Mazowiecki, who must be encouraged to continue that work, so as to lend his authority to the international human rights community. The Bosnian Serb authorities should allow the Special Rapporteur to conduct investigations in the territory under their control, and the Federal Republic of Yugoslavia (Serbia and Montenegro) should allow a field office of the Centre for Human Rights to be established in Belgrade. His delegation commended the work done by the Commission of Experts to collect facts on crimes and human rights abuses, fully supported the proposal for an international tribunal on war crimes, and hoped that all countries involved would do the same. The tribunal must begin to discharge its responsibilities efficiently and without delay.

3. Problems related to the protection of minority rights had been increasing in many parts of the world, and various regional and subregional mechanisms - such as the High Commission on National Minorities created within the Conference on Security and Cooperation in Europe (CSCE) process - had been worked out to monitor the rights of minorities. However, the United Nations should devote fuller attention to that question. In that context, his delegation was concerned at reports about violations in south-eastern Turkey. While the right of the Government to defend the country against terrorism was unquestionable, everything necessary must be done to guarantee respect for the basic human rights of civilians, even in areas under a state of emergency.

4. His Government was deeply concerned at the continuous gross violations of human rights in Iraq, perpetrated by the regime against its own people. The situation of the ethnic and religious minorities was particularly alarming. Although the Government of Iraq appeared to ignore the actions and recommendations of the Commission, his delegation urged the Special Rapporteur to continue his work of collecting information on the human rights situation in Iraq, if only to make the situation in that country more widely known.

5. Turning to the Islamic Republic of Iran, he deplored the large number of death sentences and executions reported, the high incidence of torture and disappearances, and the serious shortcomings of the judicial system. Reports of persecution of religious minorities were particularly worrying: freedom of religion should be respected without discrimination; and the death threats directed by the regime against Salman Rushdie were totally unacceptable. His delegation urged the Government of Iran to cooperate fully with the Commission and to grant the Special Rapporteur entry into the country in order to carry out his mandate.

6. Cuba was another country that had rejected cooperation with the Special Rapporteur of the Commission - an attitude his delegation found surprising, given that Cuba was an active member of the Commission. Full cooperation with the United Nations mechanisms would alleviate the country's human rights problems and expedite the growth of its democratic institutions.

7. The Special Rapporteur on the situation of human rights in the Sudan, Mr. Gáspár Bíró, had reported on acts of torture, summary executions, forced displacement of populations and religious intolerance. Finland strongly supported the recommendation of the Special Rapporteur that the human rights situation in that country should be further monitored; called on the Government of the Sudan to ensure that its obligations under international law in respect of human rights and minimum humanitarian standards were fully met; and urged it not to reject the cooperation extended to it by the human rights mechanism.

8. Finland also remained concerned about human rights violations in Myanmar where, despite positive developments, civil and political rights, particularly those of leaders of political parties and ethnic minorities, continued to be restricted. His delegation urged the military Government to release the Nobel Peace Prize Laureate, Daw Aung San Suu Kyi.

9. It also welcomed the positive steps taken by the Government of Indonesia concerning the human rights situation in East Timor. However, more needed to be done: early implementation of the recommendations of the Special Rapporteur on the question of torture, and greater access by human rights and humanitarian organizations were of crucial importance. It was to be hoped that the talks held between Indonesia and Portugal under the auspices of the Secretary-General would lead to a satisfactory political solution. Meanwhile, the Government of Indonesia must continue its efforts to improve the human rights situation.

10. His Government was interested in continuing the constructive bilateral dialogue with China on issues relating to the administration of justice, an independent judiciary, the rights of defendants, arbitrary detention and the

death penalty. The Vienna Declaration, while referring to the significance of national and regional particularities and differing historical, cultural and religious backgrounds, had reconfirmed the duty of States to promote and protect all human rights and fundamental freedoms; and that principle was valid within a nation State as well.

11. His delegation noted with great concern that the practice of impunity constituted an increasing danger to the protection of human rights. His Government especially urged Peru and Colombia to respect international human rights standards in that regard. It noted with satisfaction new attempts to reach human rights agreements between the parties in Guatemala. In El Salvador, cooperation with existing mechanisms was warranted until the human rights situation had been consolidated. Meanwhile, in Haiti, the very existence of the human rights monitoring mission continued to be questioned, and, in spite of the Governors Island Agreement, the democratically elected President had not been able to return to the country. The Haitian people had chosen democracy. Instead, military rule prevailed, entailing torture, arbitrary detention and summary executions.

12. Early and decisive action was needed to prevent outbreaks of xenophobia, racial discrimination and intolerance from further degenerating into ethnic cleansing and genocide. Determined prevention of such an escalation should not, however, be carried out at the cost of the overall protection of human rights, as was happening in Algeria.

13. The international community had recently been faced with a new problem in its efforts to promote and protect human rights. What was to be done when there was no Government fully accountable for its country? United Nations involvement in the former Yugoslavia, Cambodia and Somalia was a further step towards a comprehensive and integrated approach to building up a nation. In Cambodia, the process was well under way; his delegation welcomed the revised mandate of UNOSOM II in Somalia, and stressed the need for mutual confidence in the joint effort to achieve national reconciliation and reconstruction; while in Mozambique a large number of United Nations peacekeepers had just been replaced by a civilian contingent with special training in human rights matters. In view of the extreme refugee problems in Afghanistan, close cooperation between political action, humanitarian responses and protection of human rights would be natural. In all those cases, the United Nations mechanism, while not perfect or comprehensive, must be used as a tool for the creation of a human rights culture.

14. Mr. MARUYAMA (Japan) said that Japan was of the opinion that the international community was justified in concerning itself with violations of human rights wherever they occurred, and that discussion in the Commission on situations in specific countries did not constitute intervention in their internal affairs. That view was set forth in the Charter of the United Nations and had been confirmed in the Vienna Declaration and Programme of Action. In implementing official development assistance (ODA), the Government of Japan took into consideration the efforts made by recipient countries to promote democracy and human rights and fundamental freedoms; at the same time, it believed that, while pointing out the problems of certain countries, the international community should give recognition to the efforts made to improve their human rights situations. His delegation thus fully

supported the fact-finding mechanism of the United Nations, since precise information was essential in order to pass fair judgement on allegations of human rights violations. Unfortunately, a few countries were still not willing to receive special rapporteurs or to cooperate with them. His delegation strongly urged those countries to allow the special rapporteurs to visit them and carry out their fact-finding missions.

15. Turning to the human rights situation in specific countries, he said that the report on the situation of human rights in Afghanistan (E/CN.4/1994/53) depicted an especially dismal situation. His Government fully agreed with the recommendation of the Special Rapporteur that all political leaders and other eminent persons from inside and outside Afghanistan should be invited to gather in a neutral location and take steps to achieve peace, and specifically to elaborate and implement a plan for the holding of free and fair elections.

16. His delegation remained concerned at the reports of human rights violations in Cuba, and also regretted that the Government of Cuba, which was a member of the Commission, had refused to permit the Special Rapporteur to visit Cuba since his appointment. It once again urged the Government of Cuba to cooperate with the Special Rapporteur. It also believed that the United Nations could play a significant role in solving the problems of Cyprus, and hoped that negotiations would be resumed between the two sides under the auspices of the Secretary-General. Furthermore, the Government of Japan had followed closely the human rights situation in East Timor, and welcomed the decision taken by the Government of Indonesia to grant international organizations and international media representatives greater access to East Timor. It welcomed the continuing dialogue between Indonesia and Portugal conducted under the auspices of the Secretary-General, and was confident that the Indonesian Government would continue its cooperation with the international community and with the Commission.

17. Japan strongly urged the Government of Equatorial Guinea to meet the basic conditions set out in the recommendation of the Special Rapporteur on the situation of human rights in that country (E/CN.4/1994/56). In Haiti, the human rights situation had deteriorated under military rule, and his delegation thus called on the military rulers to implement fully the Governors Island Agreement. For its part, the Government of Japan would continue to support the efforts of the international community to restore democracy in Haiti.

18. The report on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1994/50) suggested that the human rights situation in that country had not improved since 1993. His delegation urged the Government of the Islamic Republic of Iran to comply with the international human rights instruments and refrain from activities referred to in the report. It was also concerned about the situation of human rights in Iraq, and especially the situation of the Shiite community in the south and of the Kurds in the north. It strongly urged the Government of Iraq to implement Security Council resolution 688 (1991) in full and to cooperate with the Special Rapporteur appointed by the Commission.

19. While noting with appreciation that the Government of Myanmar had facilitated the visit of the Special Rapporteur to that country, and that it

had permitted a United States congressman to meet with Daw Aung San Suu Kyi, his delegation remained concerned about the human rights situation in Myanmar. It hoped that the Government of Myanmar would extend its full cooperation to international human rights organizations such as the Commission and the Office of the United Nations High Commissioner for Refugees and would respond to the Special Rapporteur's recommendations as a matter of the highest priority. It further hoped that the dialogue between a Government and Daw Aung San Suu Kyi would take place, and that steps towards an early solution of the problems would include her release.

20. The reports submitted to the Commission by the Special Rapporteurs on the question of torture (E/CN.4/1994/31) and on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7 and Add.1-2) described continuing and serious human rights violations in the Sudan. It was particularly disheartening that the Sudanese army continued to bombard the area controlled by opposing forces in the south. His Government was also concerned at the report that the Government of the Sudan had taken reprisals against persons who had contacted or attempted to contact the Special Rapporteur. It urged the Government of the Sudan to cooperate fully with the Special Rapporteur.

21. While pleased to note the recent cease-fire and withdrawal of heavy weapons from around Sarajevo, his Government continued to be concerned about the gross violations of human rights in the territory of the former Yugoslavia and the continuing practice of ethnic cleansing. It called on the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate entry of an international human rights monitoring team into the country, and particularly to Kosovo, where discrimination against ethnic Albanians and violations of their human rights were reported. It urged all parties to the conflict to continue their efforts to find a peaceful solution through negotiations.

22. Mr. TARRE MURZI (Venezuela) said that the Vienna Declaration and Programme of Action showed the will of the international community to spare no efforts to secure full promotion and protection of human rights throughout the world. Venezuela saw the results of the World Conference as constituting a new, clearer and more systematic frame of reference for human rights on the eve of the twenty-first century. The Conference had succeeded in identifying four fundamental facets of that new perspective: first, a clear reaffirmation of the principle of the universality of human rights; secondly, recognition of the right to development as a universal and inalienable right (in that regard, it was to be regretted that most of the developed nations of Europe and America had abstained or cast their vote against an important resolution on the right to development); thirdly, acceptance of the linkage between democracy, development and respect for human rights and fundamental freedoms; and fourthly, the decision to strengthen international cooperation on human rights matters. Of course, much ground had still to be covered. Timely and systematic implementation of the Vienna Declaration and Programme of Action was of particular importance for the international community. His country would thus support all initiatives to secure full application of those instruments.

23. There could be no doubt that democracy was the most appropriate political system for guaranteeing respect for and the defence, protection and full

enjoyment of human rights and fundamental freedoms. Venezuela was thus making great efforts to preserve and strengthen the democratic system, through political, legislative, economic and social measures, so as to provide its citizens with dignified and decent living standards. It also believed that guaranteed minimum welfare standards such as access to proper housing, education, employment and food, as well as freedom of expression, were essential to the full development of the individual in a democratic society.

24. Some non-governmental organizations had referred to the situation in Venezuela in their reports and statements. Those remarks were not based on the current institutional situation, but on events that were totally a thing of the past. It was his delegation's duty to set the record straight. Those speakers who had referred to Venezuela were either unaware of the current situation of the country, or chose to interpret it in a malicious and biased manner. The fact was that Venezuela had had to contend with the severe social impact of the package of economic and fiscal measures adopted to restructure the system of public finances as well as with attempts to subvert the constitutional order and the continuity of democracy. Those attempts had been defeated by the concerted reaction of the public, the armed forces and the political parties.

25. He could give the firmest and most categorical assurances that none of the situations described by non-governmental organizations was the result of a deliberate policy on the part of the Venezuelan State or of action by its Governments. The State made constant and consistent efforts to avoid any occurrence or recurrence of such incidents, for it was convinced of its responsibility to ensure respect for the individual rights set forth in the Constitution and to support and strengthen the rule of law, guaranteeing the resources and functioning of the organs responsible for application of the law and the smooth running of the administration of justice. Those aspirations were fully attained in the climate of democracy and freedom that the Government of President Rafael Caldera, democratically elected in December 1993, had undertaken to guarantee.

26. His delegation welcomed the creation of the post of High Commissioner for Human Rights, and congratulated Mr. José Ayala Lasso on his appointment to that post. The High Commissioner would have to contribute to strengthening the instruments and organs available to the international community in its continuous fight to secure full respect for human rights throughout the world, and to ensure that those rights were not flouted with impunity as a result of lack of information, ignorance or negligence. Coordination in human rights matters within the United Nations system was one of the fundamental objectives of the Vienna Programme of Action that must be addressed in the short term.

27. His delegation emphatically condemned the violations of the human rights of the people of Haiti that were committed with impunity by the military Government. It was clear from the report of the Special Rapporteur (E/CN.4/1994/55) that the situation in Haiti had deteriorated alarmingly in recent months. The refusal of the military authorities to comply with the provisions of the Governors Island Agreement and the New York Pact had merely delayed the return to constitutional legality, further jeopardizing the situation of human rights and exacerbating the country's critical economic, political and social situation. Situations such as that in Haiti showed that

respect for human rights was not possible without democracy. The Commission could not remain indifferent to the fate of the people of Haiti, and had a responsibility to monitor the crisis closely and to contribute to its solution. His delegation had submitted a draft resolution on that question, and hoped that it would enjoy the support of members of the Commission.

28. Mr. KHOURY (Syrian Arab Republic) said that, in its resolution 1993/67 of 10 March 1993, which had been adopted by a majority, with the one traditional exception, the Commission had condemned the ongoing violations by Israel of human rights in southern Lebanon, had called on Israel to put an immediate end to those practices, to withdraw immediately, fully and unconditionally from all Lebanese territory in implementation of Security Council resolution 425 (1978), to respect Lebanon's sovereignty, independence and territorial integrity, and to comply with the Geneva Conventions of 12 August 1949, particularly the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. It had further demanded that the Government of Israel should permit the International Committee of the Red Cross (ICRC) to visit the detention centres at Khiyam and Marjayoun; and had requested the Secretary-General to inform the Government of Israel of its resolution and call upon it to provide information on the extent of its compliance therewith. As usual, Israel had paid no heed to the letter of the Secretary-General, and had instead persisted in its acts of oppression and denial of human values. The statement made by the observer for Lebanon on 24 February 1994 showed that Israel continued to violate human rights. In July 1993 Israel had launched a major military offensive against southern Lebanon, which had claimed hundreds of victims, and in which thousands had been forced to flee following the destruction of their homes, schools, hospitals and places of worship. More than 200 prisoners were still detained in the two camps and were denied visits by the ICRC.

29. As the report of the Secretary-General (E/CN.4/1994/54) stated, Israel had expansionist aims, and its purpose was to bring about the permanent de facto economic, social and military separation of southern Lebanon from the remainder of the country. Lebanese resistance to the occupation was a legitimate right guaranteed by international law. His delegation hoped that the Commission would condemn the ongoing violations of human rights in southern Lebanon, urging Israel to desist therefrom in implementation of Security Council resolution 425 (1978), to abide by the fourth Geneva Convention, and to release all those detained in prisons and detention centres.

30. His delegation also indignantly condemned the recent savage killing of dozens of Palestinians by Israeli extremists in Hebron. The expansionist policies of the Israeli Government, and its procrastination in the negotiations over the past two years, had led to increased violence in the occupied territories, and was directly or indirectly responsible for religious extremism. Condemnation of such acts was not enough: only an end to the occupation and the realization of the right of Palestinians to self-determination could put an end to the cycle of violence and achieve a just and global peace in the region.

31. The Syrian Arab Republic had historically enjoyed good relations with Cyprus, and supported the mission of good offices of the Secretary-General.

The mission was aimed at settling the conflict in the island in accordance with relevant United Nations resolutions, so as to guarantee the independence, sovereignty, territorial integrity, unity and neutrality of Cyprus. Such a settlement would guarantee respect for the human rights of both communities.

32. In conclusion, commenting on the statement by the representative of the European Union on 2 March 1994, in which reference had been made to the situation of human rights in the Syrian Arab Republic, he reaffirmed that his country had always honoured its commitments to international human rights conventions, and always responded to allegations by communicating with the Centre for Human Rights. It invariably respected international criteria concerning human rights.

33. Ms. BACCARD (Observer for Armenia) said that since gaining independence Armenia had been committed to policies that would encourage the fulfilment of the individual and strengthen democracy and human rights institutions. Legislation had been enacted relating to such subjects as freedom of conscience, the press and political parties in order to safeguard political, cultural, social and economic development. Armenia had, in addition, acceded to the major international instruments in the field of human rights, and had submitted proposals to the Centre for Human Rights for cooperation with its services to promote human rights through strengthening the state of law and human rights institutions, improving the administration of justice, training officials and educating and informing the public.

34. Unfortunately, Armenia was experiencing considerable difficulties in advancing its programme of social and political reform as a result of the blockade that had been imposed by Azerbaijan since 1989 and had reduced living conditions to the bare minimum. There was neither heating nor electricity in a country where winters were very severe so that most schools and hospitals had had to close. Food and medical supplies were very low. No more than a few enterprises were able to continue operating so that unemployment was widespread. The blockade thus constituted an unjustifiable violation of human rights such as the right to life, education and harmonious development.

35. The fact that 80 per cent of Armenia's lines of communication with the outside world passed through Azerbaijan had led that country to take such action to undermine the political will of the people of Armenia. Armenia was a land-locked country, and its other outlets, through Turkey and Georgia, were also blocked: Turkey had closed its frontiers and Georgia's internal difficulties prevented the passage of humanitarian aid. In the face of the deteriorating situation of the population in Armenia, her delegation hoped that the Commission would make every effort within the sphere of its competence to have the blockade lifted.

36. Mr. OMAR (Observer for Ethiopia) said his delegation shared the concern expressed by other delegations at the continued human rights violations in different parts of the world. The international community had a responsibility to take resolute action to bring an end to the suffering of innocent people and bring the perpetrators to justice. He therefore strongly welcomed the establishment of a United Nations Tribunal to investigate war crimes in the former Yugoslavia.

37. The promotion and protection of human rights was of particular concern to Ethiopia in view of the many human rights violations committed by the Derg regime during its 17 years in power, including torture, arbitrary detention, forced conscription, murder and the bombing of civilian targets. However, in the two and a half years since the overthrow of that regime, the Transitional Government, in its endeavours to bring peace and stability to a country ravaged by civil war and economic stagnation, had made distinct progress towards democracy and the protection and promotion of human rights. Measures to ensure a systematic transition to democracy in a country without any democratic traditions included proclamations of the right to organize public demonstrations and the right to peaceful assembly, freedom of expression and the press, the creation of regional governments, the establishment of an independent judiciary and a revitalized police force, and the establishment of political parties.

38. Ethiopia was a country of many nationalities with different cultures, traditions and beliefs. The establishment of regional governments enabled them to use their own languages, develop their culture and administer their own affairs for the first time. The people now enjoyed freedom of speech and expression and active participation in political life. Enactment of the Press Act had allowed the birth of many publications without fear of censorship or interference. Preparations for bringing to justice members of the former regime accused of criminal offences was almost complete, as had been mentioned by the Chief Special Prosecutor of Ethiopia in his address to the Commission on 17 February 1994. Further information on the detainees was contained in document E/CN.4/1994/103.

39. The Transitional Government had launched the first Ethiopian national policy on women, which was designed to safeguard the legal rights of women and ensure their full and direct participation in the political, civil, economic, social and cultural life of the country as well as in law and policy-making processes.

40. The foundations for the transfer of power to a democratically elected Government were being laid. To that end, the Council of Representatives had issued proclamations relating to electoral law and had established a commission to prepare a draft constitution, composed of representatives of various national and political organizations, professional organizations and well-known personalities. A concept document had been prepared, which was at present being discussed at grass-roots level throughout Ethiopia and in other countries in which large numbers of Ethiopians were living. Such active participation should ensure a Constitution that was truly popular. After intensive public debate, a final draft would be sent to the Council of Representatives for approval, following which it would be submitted to a constituent assembly to be established by a general election in June 1994. Adoption of the new Constitution would be followed by multi-party general elections, which would mark the conclusion of the transitional process in Ethiopia.

41. In conclusion, he would like to empathize that the irreversible historical changes under way in Ethiopia required the understanding and continued support of the international community, in the spirit of the Vienna Declaration and Programme of Action.

42. Mr. WARDLAW (World Student Christian Federation), speaking also on behalf of the International Union of Students and the World Federation of Democratic Youth, said his principal concern was human rights as they affected students.

43. In Myanmar, academic freedom had been severely curtailed and the free expression of ideas strongly discouraged among students, as reported by Mr. Yokota, Special Rapporteur (E/CN.4/1994/57). In addition, however, the movements and access of students at the Yangon university campus had been severely restricted. While courses were being taught, intelligence agents were stationed at each entry gate. All student activities were constantly scrutinized. It was therefore unfortunate that Mr. Yokota had only been able to visit the campus when the university was in recess. The delegation of Myanmar at the forty-eighth session of the General Assembly had claimed that Myanmar was abiding by the principles of customary international law, but that did not sit well with Mr. Yokota's reference in paragraph 55 of his report to large-scale and continuing atrocities by the Myanmar Army or his reference in paragraph 49 to the forced labour of women and children.

44. He therefore called upon the Commission to act on all of the recommendations of Mr. Yokota in his introductory statement, to recommend the imposition of economic sanctions on the current ruling junta until such time as the truly elected representatives of Parliament were able to take office, and to call on the State Law and Order Restoration Council (SLORC) to release all political prisoners, allow all students free access to their university studies, and allow students to re-establish student associations without interference from the State.

45. His organizations were also concerned about the many students who had fled Burma to seek refuge from human rights abuses and, as the High Commissioner for Refugees had pointed out, were confronted like many others with closed borders or legal obstacles in their search for asylum. Approximately 60,000 men, women and children who had fled Burma were living in camps on the border between Burma and Thailand. Privately donated medical supplies destined for those camps had very recently been confiscated by the Thai authorities; the Thai Government was urged to reassure the Commission that it would respect the human rights of the Burmese fleeing the SLORC military regime.

46. The situation in El Salvador was highly precarious. The number of extrajudicial killings had risen from 255 in 1992 to 305 during the first five months in 1993. The rise in death squad activity in 1993 clearly indicated a need for the continuation of the mandate of the Independent Expert and of the United Nations Observer Mission in El Salvador (ONUSAL). The establishment of the joint Group for the Investigation of Politically Motivated, Illegal Armed Groups with a mandate to mid-1994 gave insufficient time for a proper investigation of death squad activities. Furthermore, the current climate in the country was not unlike that which gave rise to the previous armed conflict. His organizations therefore urged the Commission to examine the situation in El Salvador under agenda item 12.

47. In July and August 1993, the World Student Christian Federation had sent a group of young people and students from Canada, the United States of America, Venezuela, Ecuador, El Salvador, the Dominican Republic and Nicaragua

on an exposure trip to Cuba. They found that although some students expressed dissatisfaction with the Government, the overall impression was favourable; the students met had displayed a general selflessness and strong sense of community. There was a high level of education, which was free up to and including university level, and little illiteracy. However, it was dismaying that the very positive economic, social and cultural rights enjoyed were under direct threat as a result of the blockade imposed on Cuba over 30 years previously by the United States, whose effects had become devastating since trade with the former Soviet Union has ceased. The Commission was therefore urged to call for a halt to the blockade.

48. With regard to Sudan, the Commission had seen ample evidence that the regime in place since 1989 was flagrantly violating human rights and denying fundamental freedoms. In November 1993, Sudanese security forces had raided the University of Khartoum and attacked a peaceful demonstration organized by the Student Union, causing the deaths of two and the arrest of 500 students. All schools in El Obeid City had been closed down by the authorities the previous week, following a peaceful demonstration against the Government's economic policy. The Commission was therefore urged to request, in the strongest possible terms, that concrete measures be taken at the next General Assembly to impose economic sanctions on the Sudanese Government until it was able to demonstrate its compliance with international human rights standards.

49. In Zaire, too, the authorities had closed down universities without valid justification, thus depriving students of education for the past three years. That situation and the many other violations of human rights in Zaire were a cause of serious concern.

50. The human rights situation in Bhutan was receiving insufficient attention in the Commission. Many schools in the south of the country had remained closed following the 1990 disturbances, despite Government assurances to the contrary. Ethnic Nepalese had been required to produce certificates issued by the police for admission to schools and postgraduate courses. There were detailed and reliable reports of ethnic cleansing, lack of religious freedom, arbitrary detention, torture and disappearances. The Commission was strongly urged to take further action to investigate those allegations in detail.

51. Ms. GARCES PERATTA (Andean Commission of Jurists) said that despite the existence of constitutional regimes in the countries of the Andean region, the human rights situation in a number of them was extremely serious. In Colombia 2,891 deaths had occurred between January and September 1993 as a result of political violence and the practice of summary execution. Of those killings, State agents were alleged to have been responsible for 57 per cent, paramilitary groups for 18 per cent and guerrilla forces for 25 per cent. The emergency measures in force throughout 1993 to combat terrorism and illicit drug trafficking had become a permanent legislation and severely restricted the exercise of fundamental rights, such as the right to defence, to the presumption of innocence and other guarantees of due process of law.

52. In Venezuela, violations of the right to life had increased dramatically. Between September 1992 and October 1993, 67 people had been executed by the State security forces and a further 120 had died as a result of the excessive

use of force or ill-treatment. Those figures did not include the 31 civilian deaths during the attempted coup d'état in 1992 and the deaths of many prisoners in detention centres.

53. In Ecuador during 1993, 24 people were killed by the forces of law and order, 9 of them following torture.

54. That gloomy situation was aggravated by the institutionalization of impunity in respect of human rights violations. In Colombia, the administrative and judicial authorities responsible for the prevention and punishment of violations of human rights were notoriously ineffective. Only 14 per cent of complaints to the Procurator-General's Office were followed up. The military courts, which were entrusted with the investigation of human rights violations, generally acquitted those accused. In Venezuela, impunity for human rights violations resulted from the shortcomings and lack of independence of the Judiciary and also because such cases were generally tried by military courts.

55. The situation was particularly serious in Peru where in 1993 there were 1,992 deaths as a result of political violence, only 991 of which could be laid at the door of Shining Path. There were 37 extrajudicial executions during the same period. Although the number of deaths had declined in comparison with previous periods, she shared the concern expressed by the Special Rapporteur (E/CN.4/1994/7/Add.2). Moreover, the human rights of an increasing number of people was being affected by the fact that they lived in areas declared to be under states of emergency.

56. The new Constitution which had recently entered into force was a step backwards as regards human rights since it extended the scope of the death penalty (in violation of the American Convention on Human Rights, to which Peru had acceded), failed to recognize economic, social and cultural rights and fundamental rights, authorized the trial of civilians by military courts and abolished the precedence of international instruments over the Constitution. The lack of independence of the Judiciary and the prosecution services made ordinary people completely helpless vis-à-vis abuses of power. His organization was convinced that giving immunity to those guilty of such acts led to and perpetuated to human rights violations.

57. The Andean Commission of Jurists considered it essential that the Commission should appoint an independent expert on Peru to report to it on: (a) the human rights situation in Peru with particular emphasis on the administration of justice, military courts, impunity and anti-terrorist legislation; (b) the effects of subversive violence on the enjoyment of fundamental rights by the population; and (c) recommendations to the Commission on measures for improving the human rights situation, in particular with regard to the administration of justice and the right to due process. Its proposal was entirely in line with resolution 1993/23 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the situation of human rights in Peru.

58. Mr. POPOVIC (Sierra Club Legal Defense Fund, Inc.) said that while there was a growing awareness of environmental degradation and its human toll, there remained a massive gap between that recognition and the fashioning and

implementation of effective solutions by means of human rights mechanisms. During the five years it had attended the sessions of the Commission, the Sierra Club Legal Defense Fund had reported on over 20 cases of environmental problems throughout the world that violated human rights. The environment did not respect political divisions, although political divisions could affect the environment. A report on the subject was available to those attending the Commission.

59. Environment-related violations of human rights were increasing. The project including the Sardar Sarovar dam in India was likely to displace more than 100,000 people, but no adequate provision had yet been made for resettlement. The massive human displacement caused by the Chernobyl nuclear disaster in 1986 was still unresolved. Since consideration of displaced persons had been placed on the agenda of the Commission, it was hoped that those problems would be addressed.

60. The serious human rights implications of environmental problems demanded attention. In addition to the reports mentioned, the Sierra Club Legal Defense Fund had submitted other reports and information to Mrs. Ksentini, the Sub-Commission's Special Rapporteur on human rights and the environment, who had prepared excellent reports, but because of her limited mandate had been unable to include discussion of the many situations called to her attention. It was hoped that the Commission would enlarge that mandate to enable her to address situations and play a necessary coordinating role with other relevant United Nations and regional human rights bodies. The Sierra Club Legal Defense Fund also urged the Commission to add a new item to its agenda entitled "Human rights and the environment".

61. In anticipation of the transition from a study to an active treatment of situations, in May 1994, the Sierra Club Legal Defense Fund, on behalf of the Sub-Commission Special Rapporteur on human rights and the environment, would conduct a meeting of experts on that topic, who would work with the Special Rapporteur on her draft of principles and guidelines on the right to a healthy environment, which, with her final report and appointment as Commission Rapporteur on human rights and the environment, would ensure the necessary continuity for that important issue. Those initiatives would allow the international community to work together in a constructive way to promote and protect environmental human rights.

62. Mr. SHARFELDDIN (International Organisation for the Elimination of All Forms of Racial Discrimination) said that the massacre of Palestinian worshippers at the Hebron mosque had received wide international condemnation. However, such condemnation had not in the past caused Israel to alter its treatment of Palestinians or its policies towards their rights, including the right to life and security, or to comply with Security Council resolutions calling on Israel to comply with the terms of the fourth Geneva Convention.

63. After the massacre, instead of rounding up suspects, Israel had imposed a curfew on Hebron and provided army protection to settlers who decided to go into Hebron fully armed. The Israeli army added 19 to the toll of Palestinians killed on that same day.

64. The Israeli authorities clearly made a sharp distinction between protecting Israelis and protecting Palestinians, although both were entitled to equal protection. Twenty thousand Palestinians remained in preventive detention to guard against future acts of violence, while only five settlers were so detained. The Israeli Government, moreover, was legally responsible for the massacre, since the army unit guarding the mosque had allowed the murderer to enter and failed to respond to cries for help while the massacre was being committed.

65. Israel had confirmed by its policies and behaviour that it could not be trusted to give the Palestinians the protection to which they were entitled and was in fact an active player against whom protection should be provided. The Security Council, which had been so resolute and active against Iraq, had allowed the situation to deteriorate by its acquiescence in continued Israeli violations. His organization called on the Council to take resolute action to demonstrate that all peoples were entitled equally to their human rights. Failure by the Security Council to ensure protection for the Palestinians would jeopardize the road to peace. The occupation must end and the settlements be removed in order to prevent still more massacres.

66. Ms. PARK (Canada) said that human rights violations were a challenge faced by all countries, including her own. It was with a certain sense of humility, therefore, that her delegation approached the current debate; but it also did so with a clear sense of responsibility. The United Nations, and the Commission, had to keep faith with the citizens of all countries, the promotion and protection of whose human rights and freedoms were pledged under the Charter of the United Nations.

67. The situations in South Africa and the Middle East gave some grounds for encouragement; however, some situations elsewhere, although of profound concern to the international community, were being ignored. In the case of Iraq, where grave abuses of human rights continued to be documented by the Special Rapporteur and other credible observers, the Commission must call again on the Government to respect all relevant Security Council resolutions, especially resolution 688 (1991), introduce democratic reforms and cooperate openly with the Special Rapporteur. With regard to the Islamic Republic of Iran, the Commission's Special Representative had been unable to visit that country despite continued documentation of violations of the right to life and continued discrimination against women and religious minorities. Although Canada held Islam in the highest esteem, it regarded the death sentence pronounced against Salman Rushdie as offensive and an antithesis of the United Nations basic principles, and it appealed to the Islamic Republic of Iran to dissociate itself from that sentence.

68. The Commission should also condemn, in the strongest terms, all parties to the conflict in Sudan who suppressed dissent, attacked civilians, used food aid for political ends and aroused ethnic and religious tensions. The Government's inconsistent and uncooperative attitude towards the Special Rapporteur, United Nations agencies and non-governmental organizations was unacceptable; Sudan should be urged to cooperate. With regard to the situation in Haiti, the military and armed civilians under their control had broken all their promises, blocked deployment of the United Nations mission

and forced the departure of United Nations and OAS human rights observers. Canada supported all efforts, including the trade sanctions mandated by the Security Council, to seek an end to the campaign of terror.

69. In Myanmar, the lack of response to the world community's calls, including requests for the release of Daw Aung San Suu Kyi and other political prisoners, remained unacceptable. The countries of the region had a particular role to play in efforts to promote greater respect for human rights in Myanmar. Canada was prepared to support an international embargo on the sale of military equipment to that country.

70. In Cuba, too, it was highly regrettable that the Government, whose human rights record caused concern, refused to cooperate with the Commission's Special Rapporteur.

71. Since the end of the cold war, there had been an increasing desire to establish free societies and thus promote international peace and stability. The close link between human rights and democracy on the one hand, and peace and security on the other, an important element of the Vienna Declaration, was tragically illustrated in the territory of the former Yugoslavia. Canada had spoken out against the abuses being committed, regardless of the side responsible. It had provided funds and personnel to the Commission of Experts gathering information for submission to the International Criminal Tribunal for the Former Yugoslavia. Lasting peace in that territory was impossible without adequate protection of minority rights, to which all sides must commit themselves. The current situation should provide a warning to the leaders and peoples of the newly-independent States of the former Soviet Union.

72. The link between human rights, peace and security was also evident in Cambodia; although the Commission had recently assumed certain responsibilities there, violations continued, especially in areas still under Khmer Rouge control.

73. In El Salvador, incidents of politically-motivated violence continued to be documented, although the civil war had officially ended over a year previously. Important provisions of the peace accords remained unfulfilled. It was essential that the 1994 national elections were free and fair. Canada welcomed the Commission's decision to continue the mandate of the Independent Expert.

74. In Guatemala, although there were hopes that negotiations between the Government and the Unidad Revolucionaria Nacional Guatemalteca (UNRG) could bring to an end Central America's lengthiest armed conflict, it was disappointing that human rights abuses had recently increased. The requisite measures should include a strong resolution aimed at addressing the core issues, including the problem of impunity, with the Independent Expert's assistance.

75. Canadians shared the dismay at the rise of racism, extremism, anti-semitism and neo-fascism in parts of Europe and elsewhere; they had as well been impressed by the way in which vast numbers of citizens had demonstrated their resistance to such trends. Governments determined to deal

with such problems deserved the world community's commendation and support, just as those which practised such doctrines deserved its condemnation and disdain.

76. With regard to the situation in Somalia, Canada strongly supported the extension of the Independent Expert's mandate. While progress in improving human rights had been made elsewhere in parts of Africa, the situation in a number of countries remained a matter for concern. In Angola, the intense conflict was causing destitution and great loss of life. And the Secretary-General's report on the situation in Zaire (E/CN.4/1994/49) showed that the degradation of basic human rights and democratic freedoms fostered violence. Likewise, the situations in Rwanda, Burundi and Chad were a reminder of the link between civil unrest and human rights abuses where fundamental democratic principles were denied. In Togo and Nigeria, where military power had taken over, the international community should urge rapid resumption of the democratic process.

77. Canada believed that the best prospect for a lasting solution in Jammu and Kashmir lay in the bilateral talks between India and Pakistan and, in the meantime, was calling for further efforts to reduce the level of human rights violations by all concerned and to improve access for the media, international organizations and other observers. In Sri Lanka, the recent important commitments made by the Government relating to the ethnic conflict in that country should be pursued; and the Commission should encourage the Government and the Tamil separatists to engage in negotiations aimed at a lasting peace, while addressing the basic ethnic tensions and human rights problems. In Peru, human rights continued to be threatened by terrorism and drug trafficking, although the Government had recently made encouraging efforts to eliminate human rights abuses.

78. The link between human rights, democracy and development had been a basic theme of the World Conference on Human Rights. It was increasingly recognized that economic growth without regard for human rights was not acceptable in the long term. In the case of China, the fate of political detainees, the failure to respect due process, the lack of freedom of expression and religion, the use of torture and extrajudicial executions, and the persecution of the majority population in Tibet remained matters for concern. It was hoped that China, in its impressive strides towards developing an open-market economy, would also move closer to political democracy and adherence to international human rights principles.

79. Canada remained concerned about the human rights situation in Indonesia, particularly in East Timor. Although Indonesia had recently taken encouraging measures in that regard further steps were needed, including improved access for international NGOs and observers and for continued progress in unsponsored discussions. Likewise, ratification of the two International Covenants on human rights would do much to reassure the international community. In Viet Nam, despite some improvement, the harsh treatment of religious leaders and others for expressing their beliefs remained a matter for serious concern.

80. The Vienna Declaration had reiterated that human rights were a legitimate concern of the international community. Openness and cooperation with the latter, including the Commission, were important in that regard. Canada had

on various occasions been criticized by human rights bodies; although it had not always agreed with the specific conclusions voiced, it had always cooperated and maintained a fully open dialogue with United Nations authorities. If all Governments freely and openly cooperated with the international community, there would be much less need for the current debate. In that regard, Canada, while concerned about the loss of life and allegations of human rights abuses in Chiapas, Mexico, endorsed the Mexican Government's positive approach in undertaking measures to address the indigenous people's basic problems and bring those responsible for human rights violations to justice.

81. The international community must act with renewed vigour to promote and protect human rights. Governments which failed to protect their people or persisted in violating their human rights would be increasingly excluded from the mainstream of the world community. The Commission had a key role to play, wherever abuses occurred, by showing Governments what was expected of them and giving greater encouragement and assistance to countries genuinely trying to improve their human rights record. In that regard, the appointment of a High Commissioner for Human Rights was a historic decision which Canada welcomed. His pledge to the General Assembly that the office should be the voice of mankind's moral conscience had strengthened the expectation that his authority would be fully and wisely used, and Canada would fully support his efforts.

82. Mr. KOVALEV (Russian Federation) said that the issue, voiced by Woodrow Wilson in the early twentieth century, of making the world safe for democracy was more relevant than ever. The end of the cold war had not in itself led to stabilization but rather to a rash of local conflicts, uninhibited by any threat of nuclear annihilation and fanned by xenophobia, aggressive nationalism and religious and ethnic tensions. Those situations called for clear and equitable solutions based on global consensus, a sound guide in that regard being the Vienna Declaration and Programme of Action. One highly important outcome of the World Conference on Human Rights was the recognition that national sovereignty was no pretext for opposing the investigation of human rights violations, which were of legitimate concern to the world community. Many delegations had already voiced the need for such recognition. His delegation was concerned, however, about certain attempts at ex post facto revision of the Conference's decisions and at thwarting or diverting the international community's efforts in the field of human rights.

83. In the territories formerly dominated by communism, nationalistic and religious fanaticism and extremism were shaking the foundations everywhere, showing that the apparatus of State tyranny and force was still growing, with tragic results affecting not only those directly involved but often neighbouring nations too. The world community was entitled, therefore, to look into every instance of gross and systematic violations of human rights, since at stake was international peace and security. Nations in transition from totalitarianism to democracy could not be left to struggle on their own. His delegation felt sure that the High Commissioner for Human Rights could develop a long-term strategy in that regard.

84. His own country was in such a transitional stage and striving to cope with the problems. It was grateful for the assistance received from a number of countries and international organizations, inter alia, for the observers

dispatched on the occasion of the recent elections and referendum on the draft new Constitution. Also well established and welcome in his country were over 30 international non-governmental organizations, such as Amnesty International and Helsinki Watch.

85. It was hoped that the growing problems faced by ethnic Russian communities in the countries of the former Soviet Union, including Latvia and Estonia, would not be overlooked, since such matters would have a direct bearing on the future of democracy, in those countries and in Russia itself, and, consequently, on international peace and security. His delegation had voiced concern about ethnic Russians in Latvia and Estonia when addressing the Commission under agenda item 18. There were grounds for optimism, with regard to Latvia, since the advent on the public scene of such figures as the former dissident Olaf Bruveris, who, in a recent newspaper interview, had pointed to the need to overcome the enmity with which Russian and Latvian citizens had regarded each other. Unfortunately, that lone voice had not been supported by others in the Latvian Sejm in regard to the draft citizenship law presented to the Council of Europe. His delegation had not spoken, during the current session, about the situation of ethnic Russians in Estonia, having hoped that the authorities there would proceed to a constructive dialogue in that regard. Unfortunately, the outcome of the recent round of talks in Tallin had not fulfilled that hope.

86. His delegation sincerely regretted the thousands of deaths that had resulted from the continuing tragedy in the territory of the former Yugoslavia. People from many lands had gone there to risk life and limb in giving assistance to the afflicted populations; they included some 400 Russians based in Sarajevo as part of UNPROFOR. The Russian Federation stood ready to intensify its efforts towards settling the conflict in that region.

87. His delegation had closely studied the Special Rapporteur's report (E/CN.4/1994/110) - in particular, the details of the widespread practice of "ethnic cleansing", the atrocities being committed against women and the suffering inflicted on peaceful citizens, including the appalling conditions in the camps. His delegation agreed with the Special Rapporteur that acts of cruelty were being committed by all parties to the conflict, and that all the communities involved were being victimized; the same conclusion had been noted at the Commission's forty-ninth session. At the latter, his delegation had warned against the dangers of adopting a one-sided approach to the problem; its warning had been justified, as could be seen from the Special Rapporteur's report. The realities were being deliberately ignored by a significant number of countries, which attributed all the blame to one side, played down the scale of violations committed by another and condoned those of the third. But the Special Rapporteur's conclusions did not square with that approach. The international community's task was not to attribute blame solely to one party to the conflict; to do so would only add to the difficulties and undermine the Commission's credibility. His delegation's position in that regard would be reflected in a draft resolution on the situation in the former Yugoslavia.

88. Urgent measures were also required to alleviate the plight of children - Muslim, Croat and Serb alike. International organizations had a major role to play in that regard; they must be given all possible help by cutting

bureaucratic procedures and obstacles to their operations. His delegation wholeheartedly supported the Special Rapporteur's recommendation for the provision of medical supplies and equipment, humanitarian assistance to the most afflicted groups and, in particular, a review of the sanctions procedures for that purpose. Implementation of the recommendation would not only alleviate the plight of children but would strengthen the mandate of the Special Rapporteur which "should lead to prompt and concrete measures benefiting populations which are suffering and whose rights [are] being violated" (E/CN.4/1994/110, para. 279).

89. His delegation had already voiced its views about the prospects for a peaceful solution to the situation in the Middle East, based on the Declaration of Principles signed by Israel and the PLO. But the tragedy in Hebron had again raised the level of confrontation. The Russian Minister for Foreign Affairs had proposed the convening of a special session of the Security Council. His delegation called for restraint by both parties. Russia believed that the Middle East's future lay not in war and terrorism but in peaceful coexistence between Israel and its Arab neighbours, including the Palestinian people.

90. With regard to South Africa, his delegation eagerly awaited the holding of the first non-racial elections, which would put an end to apartheid in that country. It was disquieting, however, that some political forces in that country were rejecting the provisional Constitution and intended to boycott the forthcoming elections. The Russian Federation continued to advocate support for the democratic transformation of South Africa.

91. The human rights situation in Iraq remained a cause for concern on account of the widespread repression, extrajudicial killings, torture and murder for political motives. The situation was characterized by the wielding of political power by special services, heavy censorship, and impediments to the adoption of a new national Constitution. Kurdish regions were still being blockaded, and harassing operations continued in the south against Shi'ites and Marsh Arabs. In the Islamic Republic of Iran, there had been no noticeable improvement - a fact noted in the report of the Special Representative (E/CN.4/1994/50), which cited a disturbingly large number of instances of execution, torture, and discrimination against certain communities on account of religious belief, particularly followers of the Baha'i faith, as well as of restrictions on freedom of thought and publication.

92. With regard to Afghanistan, it had been hoped that the withdrawal of Soviet forces in 1989 would lead to a lasting peace. But the forces formerly known as "freedom fighters" were currently striving not for peace but power, by means including armed provocation against neighbouring countries. People continued to die just as before, and over 5 million citizens were unable to return home. And progress towards the release of prisoners-of-war from the former Soviet Union was still being blocked by certain Afghan authorities - a humanitarian problem which should be promptly and unconditionally resolved. His delegation appreciated the Special Rapporteur's efforts in that regard.

93. The situation in Myanmar was unpromising. The military continued to repress any opposing political and intellectual movements, as well as national

and religious minorities, many of whose members had become refugees abroad. It continued to subject Daw Aung San Suu Kyi to house arrest, and had recently arrested and sentenced a number of opposition activists. His delegation called on the Myanmar authorities to release unconditionally all prisoners of conscience and allow them to participate in the nation's political life.

94. The worsening situation in the Sudan gave no grounds for hope; the Constitution had been suspended, and political parties, trade unions and the media had been suppressed. Conditions in the south amounted to civil war. The traditional culture and worship of non-Islamic communities were restricted. Somalia, too, was in a state of crisis, the struggle for power among numerous ethnic and political groups had resulted in a collapse of authority and the economy. Only intervention by the United Nations had brought some relief to the problem of starvation and saved thousands from actual extinction. His delegation was convinced that only a restoration of State structure could restore the exercise of human rights in Somalia.

95. In Cuba, a nation for which his country had the warmest regard, there was a disappointing lack of progress in the protection of human rights. The Russian Federation called on the Cuban authorities to uphold democratic rights and freedoms and to cooperate with the Commission's Special Rapporteur. Other countries in which the situation of human rights was disquieting included Haiti, Guatemala, El Salvador, Equatorial Guinea, Zaire, Togo, Angola, Burundi, Rwanda and Chad. The Commission had before it, at its current session, documents which pointed to what the international community should strive to do in order to help rectify the situation in those States. It was hoped that the Commission would also take decisions aimed at improving the situation of the inhabitants of East Timor, Sri Lanka and Bougainville.

96. The situations of violent conflict and bloodshed in various parts of the world should not be allowed to distract attention entirely from others which nevertheless bore the seeds of conflict. Such a case was Cyprus. His delegation reiterated the appeal to the leaders of both sides to uphold and observe the rights and fundamental freedoms of all Cypriots and, above all, to respect the rights of refugees, enabling them to return to their homes in peace and security, and to recognize the right of all citizens to freedom of movement, settlement and ownership. His country supported the Secretary-General's efforts in that regard.

97. Cambodia was undergoing a major transformation to democracy although significant obstacles to the exercise of human rights still arose in that country. One stemmed from the refusal by some forces to submit to central government control over the zones they occupied and to permit access by the representatives of humanitarian bodies. It was unacceptable for any of the parties to ignore, entirely or partly, their human rights obligations, and all should be urged to exercise patience and restraint.

98. Russians noted with great interest the changes taking place in China. Economic liberalization in that country had proved what astonishing results could be achieved with the lifting of government controls: not only was China's vast population adequately fed, but it even exported its goods. The Chinese economic miracle had made itself felt in international markets, giving

rise to the serious hope that China would also direct its steps along the path of freedom, democracy and human rights. There had as yet, unfortunately, been no such movement, as the latest news from China showed.

99. There existed countries, regrettably, which were so cut off from the outside world that it was hard to obtain reliable information on their human rights record. From what information there was, however, it appeared that the situation in the Democratic People's Republic of Korea remained poor. His delegation had spoken at the forty-eighth session about the treatment meted out by government representatives of the Democratic People's Republic to its nationals who were engaged in Russian timber enterprises, to the extent that the Russian side had broken off an agreement on cooperation in the industry, despite its profitability. In the future, such cooperation could only take place if human rights and freedoms were respected and Russian law was observed.

100. As the twentieth century drew to a close the world still suffered from wars, cruelty and hatred. Human rights and dignity were still flouted. The best minds in the world had agonized over how to save humanity from the power of evil and fear and how to protect it from tyranny. It was noteworthy that the High Commissioner for Human Rights had echoed the thoughts of Andrei Sakharov regarding the interdependence of human rights and international peace and security. His delegation urged all Governments to cooperate actively with Mr. José Ayala Lasso, whom it invited to visit the Russian Federation at his own convenience.

101. Mr. Urrutia (Peru) took the Chair.

102. Mr. SUK JO LEE (Republic of Korea) noted that the current session of the Committee was the first since the World Conference on Human Rights, one of the most meaningful results of which had been the establishment of the post of High Commissioner for Human Rights. His delegation had been impressed by the High Commissioner's statement to the Commission, and was confident that he would be able to respond more effectively to the continuing grave violations of human rights throughout the world.

103. To maintain the momentum generated by the World Conference, the Commission should take the necessary follow-up measures in a systematic, non-confrontational and productive way.

104. In 1993 there had been a major breakthrough in efforts to solve the perennial human rights violations in South Africa and in the occupied Arab territories. His Government remained concerned, however, at the scale of violence engaged in by some groups which did not want to join in the goal of a democratic, non-racial and unified South Africa. Still more did it deplore the killing of Palestinians in Hebron on 25 February; such an unforgivable act of violence in no way helped the Middle East peace process. His Government urged the parties involved to show restraint.

105. Recent general improvements in the human rights situation and the advance of democracy around the world showed that a universal culture of human rights was attainable. It was regrettable that serious violations of human rights none the less occurred in many parts of the world, some of them systematic and

organized. His delegation strongly condemned the fact that some Governments were involved in the practices of summary and arbitrary executions, torture, enforced or involuntary disappearances and arbitrary detention. One such example was the situation in the former Yugoslavia. In that connection his delegation fully supported the establishment of the International Tribunal, since the international community had to take a greater share of responsibility for those whom their Governments were not willing or able to protect.

106. After expressing appreciation of the reports by Special Rapporteurs in respect of human rights violations in more than 10 countries, he welcomed the fact that some Governments, such as Myanmar, Sudan, Haiti and Guatemala, had cooperated by allowing the Special Rapporteurs to make fact-finding visits and regretted that others had not. Moreover, many had not complied with the Special Rapporteurs' recommendations. The Commission should consider more effective measures to elicit cooperation from Governments which did not do so voluntarily.

107. Turning to the issue of human rights infringements in the world's few remaining totalitarian regimes, he expressed his Government's deep concern at the fact that the international community overlooked the seriousness of abuses in those countries. Such neglect was due partly to a lack of openness and transparency in those societies and partly to a deficiency in the United Nations human rights mechanism. The Commission could not any longer simply depend on media reports of the shocking human rights abuses in some countries.

108. His delegation believed that the international community was deeply concerned about the serious human rights situation in the Democratic People's Republic of Korea, even though the Commission had been largely silent on the matter. The Democratic People's Republic claimed that there were no unemployed, no beggars, no vagabonds, no illiterates, no drug addicts in that country. Yet it was widely known that all forms of civil and political rights were severely infringed under a system of inhumane oppression. The deprivation suffered by the people of that country was camouflaged by their so-called self-determination, which concealed torture, enforced disappearances, summary executions, indoctrination and mock elections used to justify a one-party/one-candidate system. The south and the north of Korea had often been seen as a useful example of the contrasting human rights situation in a free democratic society and in a totalitarian regime. Unfortunately, however, the Democratic People's Republic of Korea lay outside the Commission's direct purview. If it was a human rights paradise, as it would have the world believe, why had the Commission or international human rights non-governmental organizations not been invited to learn how it operated? The answer was simple: the Democratic People's Republic was afraid to let the world see how bad its practices really were.

109. His delegation wished to reiterate his Government's firm commitment to the cause of human rights and democracy. In that connection, it was pleased to announce that in association with the Centre for Human Rights it would host the Asia-Pacific Workshop on Human Rights in Seoul in July 1994.

110. Mr. VIGNY (Observer for Switzerland) said that his country condemned any human rights violation wherever it occurred and irrespective of the regime in which it was perpetuated. It once again deplored the fact that the situations in many States where such violations occurred were not formally considered by the Commission.

111. A number of reports on the human rights situation in various countries including a report on the situation in the territory of the former Yugoslavia had, however, appeared under agenda item 12. The conclusions of the Special Rapporteur on the situation in Bosnia and Herzegovina were highly damning not only of the Serbs, who carried the greatest responsibility, but also of the Croats and the Muslims: those responsible for crimes such as blocking humanitarian aid, bombing civilian populations, ethnic cleansing - affecting mostly Muslims - and mass rape should be speedily prosecuted and punished by the International Tribunal. In Croatia there continued to occur all sorts of discriminatory practices and violations, particularly the expulsion of Serbs and Muslims. In the Federal Republic of Yugoslavia the situation had not improved - and indeed had deteriorated - in Kosovo, Sandzak and Vojvodina. His delegation believed that only full compliance by all the parties with the Special Rapporteur's recommendations was the only way of putting a stop to the intolerable suffering endured by the civilian population.

112. In Zaire, democratization was at a standstill because there were two Prime Ministers vying for power and legitimacy. Reports from various sources received by the Secretary-General showed that most human rights violations were carried out by the four security forces controlled by the President. The impunity enjoyed by those forces suggested that they acted with approval from the highest levels of the State. His delegation hoped that free and democratic elections could shortly be held.

113. In Togo, democratization had become embroiled in a power struggle which had led to serious human rights violations. The principal culprits, who went largely unpunished, were the security forces and the armed forces, most of which belonged to the President's ethnic group. To a lesser extent, opposition forces were also to blame. It should be noted, however, that the authorities had invited the Secretary-General to send a fact-finding mission to that country.

114. In Equatorial Guinea, the Government had failed to carry out many of the commitments entered into with the opposition in March 1993. It had, none the less, recognized the need to take measures to protect human rights, although such measures were not yet adequate. The authorities should implement the many recommendations made by the Special Rapporteur. If they did so, it would be possible to envisage the provision of technical assistance.

115. During his two visits to Sudan, the Special Rapporteur had noted massive and serious human rights violations both by the Government and by factions of the Sudan People's Liberation Army. Such violations affected all sectors of the population, but particularly women and children. His delegation urged the Sudanese authorities to continue to collaborate with the Special Rapporteur. He should be allowed to speak with anyone he chose, without fear of reprisals

for either party. The Government should seriously consider the allegations of violations and implement the many recommendations on improving the situation.

116. In Rwanda, the Special Rapporteur on extrajudicial, summary or arbitrary executions had noted many instances of violations of the right to life carried out on ethnic grounds by the civil and military authorities, the Rwandese Patriotic Front, the militias belonging to the political parties, secret organizations and private individuals. The Government had acknowledged its share of the responsibility and his delegation hoped that it would be willing and able to implement Mr. Ndiaye's recommendations, particularly that a campaign of national reconciliation should be mounted and that a mechanism to protect civilian populations from massacres should be put in place.

117. With regard to Cyprus, his delegation hoped that the human rights of the entire population, including refugees, would be restored, in accordance with Commission resolution 1987/50, and that cases of disappearances would be reviewed. It also noted that Israel had still not provided the Secretary-General with the relevant information on the human rights situation in southern Lebanon.

118. In Myanmar, serious violations of civil and political rights were common, particularly as they affected members of political parties. Despite the release of 2,000 political prisoners, hundreds more were still in detention and should be released, in particular, Daw Aung San Suu Kyi. His delegation welcomed, however, the Government's agreement with the High Commissioner for Refugees to allow the voluntary repatriation of Rakhine Muslims who had fled to Bangladesh. In addition, the National Convention should include human rights provisions in the draft Constitution.

119. In the Islamic Republic of Iran, the human rights situation, notably with regard to the Baha'i and Christian religious minorities, had not improved in 1993 either legally or in practice. Only the implementation of the international human rights instruments would bring about a real improvement in the situation. The Iranian Government should cooperate fully with Mr. Pohl, allowing him to visit the country in 1994, to move freely and to communicate with anyone he wished. His delegation also requested an end to assassination attempts directed against members of the Iranian opposition living abroad and urged the authorities to cooperate closely with other States in prosecuting those responsible for such acts.

120. As for Iraq, the Special Rapporteur had noted the concentration of legislative, executive and judicial powers in the hands of a very small number of people. That in itself was a systematic violation of human rights in an institutionalized form. The political and legal organization of the State led to extremely serious and massive human rights violations, for which the organs of the State had collective responsibility and its leaders had personal responsibility. Only a genuine dialogue with the United Nations and the implementation of the numerous recommendations made by the Special Rapporteur could make a gradual impact on the human rights situation.

121. In Afghanistan, the situation was severely affected by the internal armed conflict. In the absence of a central authority which could assume responsibility for respecting human rights commitments entered into by

Afghanistan, Switzerland appealed to the parties to apply the minimum standards of both human rights and humanitarian law, especially article 3 of the four Geneva Conventions of 1949. With regard to East Timor, his delegation regretted that the actions of the Secretary-General and the Commission had been unable to put a stop to human rights violations committed by Indonesian security forces. The situation could be improved only if the Indonesian authorities cooperated more closely with the Commission and took measures to implement its recommendations. The same was true, mutatis mutandis, of Bougainville, where human rights violations persisted in the context of the armed conflict waged since 1989 between the security forces of Papua New Guinea and the revolutionary army of Bougainville.

122. Turning to the situation in Latin America, he said that the positive results achieved by Cuba in the sphere of economic and social rights could not justify the serious violations of civil and political rights noted by the Special Rapporteur. His delegation doubted, however, whether the economic isolation of one State by another could contribute to improving the human rights situation. It was in Cuba's own interest to invite the Special Rapporteur to observe the situation for himself. As for Haiti, the extremely serious situation noted by Mr. Celli fully justified the continuation of his mandate. Only national reconciliation based on respect for the agreements of July 1993, together with a programme of advisory services on human rights, could alleviate the serious human rights violations in that country. In Peru, on the other hand, with its continuing struggle against the terror practised by two armed groups in opposition, the Special Rapporteur had noted a diminution in the number of extrajudicial, summary or arbitrary executions. It was also noteworthy that when the security forces showed respect for human rights, including those of their opponents, their efforts against the armed groups were also more successful. His delegation hoped that the presidential guidelines on respect for human rights, issued in 1991, would in the future be translated into action and thereby contribute to improving the alarming situation with regard to the right to life. In Colombia, too, where summary executions were also widespread, the authorities should invite the Special Rapporteur to visit the country.

123. The Commission might, under article 12, also have before it the human rights situation in Angola, Burundi, China, Sri Lanka and Jammu and Kashmir; however, it was a fact that many countries where infringements of human rights were commonplace continued to escape public criticism by the Commission. His delegation believed that a clear distinction should be made between situations raised under agenda item 12 and situations raised under agenda item 19. Serious and repeated violations of human rights should be dealt with exclusively under item 12, whether they occurred in an authoritarian regime or a conflict situation as, for example, in Somalia, Angola or Georgia. Meanwhile, agenda item 19 - advisory services in the field of human rights - should be restricted to countries in the process of a genuine democratic transition, such as Albania and Romania. Certain situations, however, would lend themselves to various interpretations, as was the case in Guatemala and El Salvador, where the extent of the violations ought to indicate which agenda item would be appropriate.

124. Lastly, his delegation reminded the Commission that the Vienna Declaration had been the reflection of a minimum political consensus on the part of the entire international community on the question of human rights. If each State carried out its commitments, it would be a big step forward towards improving the human rights situation throughout the world.

125. Mr. WANG Guangya (China) said that anyone who respected the facts could recognize that never before had the Chinese people enjoyed human rights and fundamental freedoms as adequately as they currently did. A few countries and non-governmental organizations, however, intentionally distorting the facts, had launched unfounded charges against the Chinese Government and were even plotting to draft a resolution directed against China. His delegation therefore felt compelled to lay bare the truth.

126. The so-called human rights questions in China were politically motivated fabrications. A small number of Western countries and non-governmental organizations had in recent years attacked his country for human rights violations and concocted draft resolutions in the Commission; they either purposely ignored the truth or knew little about the real situation in China.

127. The Chinese Government was fully dedicated to economic construction, aiming at the modernization of the country. It was profoundly conscious, however, that in order to achieve that goal there was an imperative need for a stable and harmonious social environment. A tumultuous China would not only be disastrous for the Chinese people, but would also have serious repercussions on stability in Asia and throughout the world. For that reason the Government was implementing a policy with economic construction as its centre-piece, at the same time introducing reforms and building socialism with Chinese characteristics. Events had shown that the choice was correct; it was now bearing fruit. The country was experiencing rapid economic development, political stability, harmony among its 56 different nationalities and social advances. It was perfecting its democratic and legal institutions and the living standards of the people were constantly on the rise.

128. The question therefore arose why some countries and non-governmental organizations ignored those facts and tried to focus attention on the so-called "human rights question in China". The blunt answer was that they hoped in that way to put political pressure on China, forcing the Chinese people to deviate from the path of development that they had chosen for themselves, based on their own national conditions. The Chinese people and the Chinese Government would never accept that kind of pressure.

129. Accusations of so-called human rights violations were unfounded. Some countries attacked China on the basis of hearsay, rumour and distorted information. Some non-governmental organizations resorted to sensationalism in their attempts to defame China by fabricating irresponsible lies.

130. Turning to some specific questions relating to torture and the treatment of prisoners, he said that China was a democratic country where the rule of law was respected. The Constitution and legislation strictly prohibited torture and protected the rights of prisoners. Yet some non-governmental organizations had recently claimed that Tsentsen Norgye had been tortured in prison and had become totally blind. When that had proved to be a groundless

rumour, they had diverted their attention to the alleged illness of Wang Juntao. The truth was that he had already contracted hepatitis before his arrest. The judicial authorities had granted him humanitarian treatment in prison and had even sent him to one of the best hospitals in China, covering all his medical expenditure. The lies about his being deprived of medical treatment had been concocted as a pretext for interference in China's judicial affairs by some forces outside China.

131. As for so-called summary execution, China had, like most other countries, not abolished the death penalty. It continued to be a legitimate action to take against a very small number of criminals who severely damaged the social order or people's lives, property and security. The application of the death sentence was, however, subject to strict limitations and approval procedures. There was simply no question of summary execution in China.

132. As far as Tibet was concerned, the real motive of those who raised the issue of so-called human rights in Tibet was to dismember China. The Chinese delegation had presented its case and systematically refuted erroneous views on the matter on numerous occasions. He therefore wished to emphasize just one important point: more than a million Tibetans had thrown off the yoke of serfdom, become their own masters and begun to enjoy democratic rights, including the freedom of religious belief, only after 1959, when the Chinese Government had abolished serfdom and carried out democratic reforms in Tibet. Since then the Tibetan economy had grown rapidly, while its distinctive culture had received full respect and been allowed to develop. Some people still ignored such facts, repeating that the Chinese Government was violating human rights in Tibet, but they had an ulterior motive: they were using the human rights issue in order to incite and support a handful of Tibetan separatists engaged in splitting Tibet from China. The political motivation of some non-governmental organizations was clear from their open advocacy of an "independent Tibet".

133. The incitement of national hatred and the dismemberment of sovereign States had already caused turmoil, conflict and war in many parts of the world, constituting a threat not only to regional and global stability but also to the human rights and fundamental freedoms of millions of people. He reiterated that the safeguarding of the territorial integrity and the unity of all nationalities in the country was a principle embodied in the Chinese Constitution. It was in the fundamental interest of Chinese people of all nationalities, including Tibetans. No attempt to wrest Tibet away from the rest of China would succeed.

134. Since joining the Commission, the Chinese Government had always taken an active part in its activities and supported its work in accordance with the purposes and principles of the United Nations Charter. It was, however, strongly opposed to any vicious slander or defamation of a sovereign State in the name of human rights. Following the World Conference on Human Rights, it was high time that the Commission put an end to behaviour that diametrically opposed the spirit of international cooperation established in the Vienna Declaration and Programme of Action.

The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.60/Add.1